

D/L- 9
02/07/2025
Ct. No.-6
Aritra

C.O. 1832 of 2024

**Smt. Lakshmirani Mandal @
Laxmi Mandal & Anr.
Vs.
Sri Bidyut Mandal @
Bidut Mandal & Ors.**

Mr. K.P. Podder
Mr. Anup Dasgupta

...for the petitioner

Mr. Kumar Jyoti Tewari, Sr. Adv.
Mr. A. Sinha
Mr. Ariruddha Tewari
Ms. Samriddhi Nayek

....for the opposite parties

Though this matter is appearing under the heading 'Extension of Interim Order' but with the consent of the learned advocates for the respective parties the main civil revision application is taken up for final hearing.

The learned advocates appearing for the respective parties made their submission on the merits of the civil revision application.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.44 dated January 10, 2024 passed by the learned Civil Judge (Sr. Div.), 1st Court at Tamluk, District-Purba Medinipur in Title Suit No.15 of 2018.

By the order impugned, the application filed by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure for amendment of plaint stood rejected.

The learned advocate appearing for the petitioner submits that the learned trial judge rejected such application by passing a non-speaking order.

Heard the learned advocates for the opposite parties on such submission.

After going through the impugned order, this Court finds that the learned trial judge without considering as to whether the proposed amendments are necessary for the purpose of deciding the real controversies between the parties rejected the same by a totally non-speaking order.

This Court is of the considered view that the impugned order is liable to be set aside only on that ground. Accordingly, the impugned order is set aside. The application under Order 6 Rule 17 of the Code of Civil Procedure is restored to the file of the learned Civil Judge (Sr. Div.), 1st Court at Tamluk, District-Purba Medinipur.

The learned trial judge is requested to decide the said application afresh upon giving an opportunity of hearing to the respective parties and by passing a reasoned order.

With the above observation CO 1832 of 2024 stands allowed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)